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Attorney Docket No. 4123US

DECLARATION FOR PATENT APPLICATION (WITH POWER OF ATTORNEY)

As an inventor named below or on any attached continuation page, I hereby declare that:
My residence, post office address and citizenship are as stated next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled CHIMAERIC ADENOVIRUSES, the specification of which (check one):

- ☐ is attached hereto.
☒ was filed on July 7, 1999 as United States application serial no. 09/348,354.
☐ was filed on _____ as PCT international application no. _____ and was amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and on any attached continuation page and have also identified below and on any attached continuation page any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America having a filing date before that of the application(s) on which priority is claimed.

Prior foreign/PCT application(s):

			Priority Claimed	
			<u>X</u>	
			Yes	No
<u>98202297.2</u>	<u>EP</u>	<u>08 July 1998</u>		
(number)	(country)	(day/month/year filed)		
<u> </u>	<u> </u>	<u> </u>	<u>Yes</u>	<u>No</u>
(number)	(country)	(day/month/year filed)		

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of PCT international application(s) designating the United States of America listed below and on any attached continuation page and, insofar as the subject matter of each of the claims of this application is not disclosed in any such prior application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available

between the filing date of such prior application and the national or PCT international filing date of this application:

(application serial no.)

(filing date)

(status - pending, patented or abandoned)

(application serial no.)

(filing date)

(status - pending, patented or abandoned)

(application serial no.)

(filing date)

(status - pending, patented or abandoned)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

(provisional application no.)

(filing date)

I hereby appoint the following Registered Practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David V. Trask, Reg. No. 22,012	William S. Britt, Reg. No. 20,969	Thomas J. Rossa, Reg. No. 26,799
Laurence B. Bond, Reg. No. 30,549	Joseph A. Walkowski, Reg. No. 28,765	James R. Duzan, Reg. No. 28,393
Allen C. Turner, Reg. No. 33,041	Kent S. Burningham, Reg. No. 30,453	Edgar R. Cataxinos, Reg. No. 39,931
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Paul C. Oestreich, Reg. No. 44,983	Devin R. Jensen, Reg. No. 44,805	David L. Stott, Reg. No. 43,937
Kenneth C. Bootin, Reg. No. 42,342	Samuel E. Webb, Reg. No. 44,394	Eleanor V. Goodall, Reg. No. 35,162

Address all correspondence to: Allen C. Turner, telephone no. (801) 532-1922.

TRASK, BRITT & ROSSA
P.O. BOX 2550
Salt Lake City, Utah 84110

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Menzo Havenga

Inventor's signature Menzo Jans Emco Havenga

Date

18 Nov 99

Residence: Alphen Aan Den Rijn, The Netherlands

Citizenship: Dutch

Post Office Address: Stortemelk 57, 2401BV Alphen Aan Den Rijn, The Netherlands


DECLARATION FOR PATENT APPLICATION
(continuation page)

Invention title: **CHIMAERIC ADENOVIRUSES**

Inventor name(s) appearing on previous declaration page: **Menzo Havenga**

☒ Additional original, first and joint inventor(s):

Full name of second joint inventor: **Ronald Vogels**

Inventor's signature 

Date


18 Nov 99

Residence: **Linschoten, The Netherlands**

Citizenship: **Dutch**

Post Office Address: **Van Rietlaan 4, 3461 HW Linschoten, The Netherlands**

Full name of third joint inventor: **Abraham Bout**

Inventor's signature 

Date

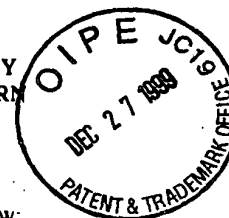
19 Nov 99

Residence: **Moerkapelle, The Netherlands**

Citizenship: **Dutch**

Post Office Address: **Coymansstraat 24, 2751AR Moerkapelle, The Netherlands**

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Applicant or Patentee: Menzo Havenga; Ronald Vogels; Abraham RoutAttorney Docket No. 4123USSerial No.: 09/348,354Filed: July 7, 1999For: CHIMAERIC ADENOVIRUSESVERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 C.F.R. §§ 1.9(f) and 1.27 (c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: INTROGENE B.V.ADDRESS OF CONCERN: Wassenaarseweg 72, 2333 AL Leiden, The Netherlands

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 1.21.3-18, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "CHIMAERIC ADENOVIRUSES" by inventor(s) Menzo Havenga; Ronald Vogels; Abraham Rout described in

- ☐ the specification filed herewith
☒ application serial no. 09/348,354, filed July 7, 1999.
☐ patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

NAME: _____

ADDRESS: _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

NAME: _____

ADDRESS: _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Domenico ValerioTITLE OF PERSON OTHER THAN OWNER: President & CEOADDRESS OF PERSON SIGNING: Wassenaarseweg 72, 2333 AL Leiden, The NetherlandsSIGNATURE: DATE: 16 NOV 1999